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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,762	07/22/2002	Nicholas Luke Bennett	3320/FBR	2845

7590

04/20/2005

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/089,762	BENNETT, NICHOLAS LUKE	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-11,14-29,31-38,40-42,44,45,47,50-55,58-61,63-73,75-82,84-86 and 88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/17/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1,3,6-11,14-29,31-38,40-42,44,45,47,50-55,58-61,63-73,75-82,84-86 and 88.

DETAILED ACTION

1. The Preliminary Amendment filed July 22, 2002 has been received. According to the Amendment, the specification has been amended; further, claims 2, 4, 5, 12, 13, 30, 39, 43, 46, 48, 49, 56, 57, 62, 74, 83, and 87 have been canceled, and claims 1, 8, 15-17, 21-29, 31-38, 40-42, 45, 52, 59-61, 65-73, 75-82, 84-86, and 88 have been amended. Currently, claims 1, 3, 6-11, 14-29, 31-38, 40-42, 44, 45, 47, 50-55, 58-61, 63-73, 75-82, 84-86, and 88 are pending in the application. Acknowledgment has been made.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3, 6-11, 14-29, 31-38, 40-42, 44, 45, 47, 50-55, 58-61, 63-73, 75-82, 84-86, and 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 45, the recited limitation of "the game control means comprises a dynamic game feature..." (claim 1, lines 4-5; claim 45, line 5) renders the claim vague and indefinite since the game control means, as best understood, is a game processor (to play game), not a game or a dynamic game feature as claimed.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 6-11, 14-29, 31-37, 41, 45, 47, 50-55, 58-61, 63-73, 75-81, and 85, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Baerlocher et al. (5,788,573).

Baerlocher et al. teaches a gaming console (or system) comprising at least one display means (Figs. 1 and 6), and game control means arranged to control images displayed on the display means, the game control means being arranged to play a first game displayed on the display means and, if a winning combination results, the console (or system) pays a prize, the console being characterized in that the game comprises a dynamic game feature (bonus or secondary game, i.e., wheel game) whereby a feature game occurs upon a first trigger condition of the first game, and wherein a second trigger condition influences one or more gameplay aspects of the feature game such as to alter the likelihood of occurrence of at least one possible outcome of a set of possible outcomes of the feature game (see abstract); wherein the first trigger condition arises upon the occurrence of a given combination of symbols during the play of the first game; the first trigger condition arises when a random number coincides with a number of credits bet on the first game (number of coins bet ranging from minimum to maximum); the first trigger condition arises upon the occurrence of a player accumulation of a predetermined number of bonus points (4:11-24; 5:1-30); the second

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trigger condition arises during the first game (triggers resulted from the game outcome); the second trigger condition arises upon the occurrence of a given symbol during the play of the first game (e.g., trigger to provide bonus game); the second trigger condition arises upon the occurrence of a given combination of symbols during the play of the first game; the second trigger condition arises upon the occurrence of a given outcome of the first game; the second trigger condition arises upon the occurrence of a player accumulation of a predetermined number of bonus points (5:1-30); the first game is a bonus game which has come about during play on the console (4:11-37); the second trigger condition arises within a bonus game which has come about during play of the console; the second trigger condition arises within a bonus game which has been triggered by the first trigger condition that has arisen during play of the first game; both the first and the second trigger conditions arise within a bonus game which has come about during play of the console; the second trigger condition arises from a user selection of an aspect of the feature game; the user selection occurs as a result of occurrence of the first trigger condition; second trigger condition alters the probability of occurrence of a winning outcome of the feature game (e.g., spinning wheel or modifying wheel); the second trigger condition alters the value of an available prize prior to or during gameplay of the feature game (e.g., spinning wheel); the second trigger condition alters the number of winning opportunities in the feature game (e.g., spinning wheel); the second trigger condition alters a total number of possible outcomes of the feature game (e.g., spinning wheel); the second trigger condition alters the interaction of the feature game with other games (e.g., continuing with the bonus game if winning or

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returning to the primary game if loosing bonus game); the second trigger condition alters the interaction of the feature game with other consoles in a distributed network of gaming machines including the console (winning progressive jackpot)(8:59-9:12); wherein more than one type of first trigger condition may occur in the first game, and wherein a corresponding one of a plurality of feature game types occurs depending on which type of first trigger condition arises (i.e., feature game of selecting envelopes or spinning reels)(5:1-65); repeated occurrences of the second trigger condition each influences gameplay aspects of the feature game (i.e., resulting in playing different wheel games)(7:31-60); the first game is of a style which creates a matrix of symbols and pays prizes for the occurrence of predetermined combinations in the matrix (i.e., reels with different icons and pay lines)(Fig.2); an occurrence of a given symbol in a predetermined position of the matrix constitutes the second trigger condition (using results of primary game to trigger wheel game); the first game pays a prize for the occurrence of a winning combination along certain paylines in the matrix, and wherein the occurrence of a winning combination along a predetermine one of said paylines constitutes the first trigger condition (4:58-67); the first game pays a prize for the occurrence of a winning combination along certain paylines in the matrix, and wherein the occurrence of a winning combination along a predetermined one of said paylines constitutes the second trigger condition (4:58-5:30); the feature game takes the form of a wheel divided into a number of sectors, some of the sectors indicating a prize, and wherein if gameplay of the feature game concludes with indicator indicating one of the sectors indicating a prize, the prize indicated by that sector is awarded (Figs. 4-6); the

feature game comprises spinning of the wheel; gameplay of the feature game comprises movement of an indicator circumferentially around the wheel (e.g., using wrap around effect)(10:2-6); occurrence of the second trigger condition causes the introduction to the feature game of an additional indicator (e.g. modifying wheel indicia)(7:1-30).

Note, the limitation of feature game takes the form of a spinning reel game (claims 41 and 85) is inherent from the feature of the primary game wherein the reel game is repeated to obtain uncovered letters (4:58-67).

Further, note that, the claimed first and second triggers are interpreted as different type of triggers as the result of playing primary and secondary game of Baerlocher et al.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 38, 40, 42, 44, 82, 84, 86, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher et al. (5,788,573) in view of Adams (5,911,418).

Baerlocher et al. teaches all limitations of claims 1, 3, 6-11, 14-29, 31-37, 41, 45, 47, 50-55, 58-61, 63-73, 75-81, and 85 above. Baerlocher et al. does not explicitly teach the limitations of causing a prize to be added to a blank sector of the wheel (claims 38 and 82); providing an opportunity for the player to pay to add winning sectors

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to the wheel (claims 40 and 84). Baerlocheret al., however, teaches modifying the indicia of the wheel's sector (7:10-44), wherein at least one of the wheel's sectors having zero value and at least a prize (Figs. 2, 4, 5). Further, Adams teaches a system and method of playing card games with an additional payout indicator comprising paying (wagering) to play a bonus game wherein the bonus game comprises a wheel having prizes or winning sectors.

Regarding the limitation of the feature game is a board game and causing a prize to be added to a blank segment of the board game (claims 42 and 86); and providing an opportunity for the player to pay to add winning segments to the board (claims 44 and 88), these are an alternative design choice. Further, it would have been obvious to a person of ordinary skill in the art to utilize different types of well known bonus games in the art as alternative to the wheel game.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the gaming system having modifiable spin wheel of Baerlocheret al. with the bonus game having wagering option, as taught by Adams, to come up with a challengeable bonus game that brings excitement to casino game thus attract more players to slot gaming and bring forth more profit.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams (6,334,814 and 5,848,932) teaches a method of playing game and gaming games with an additional payout indicator.

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Morro et al. (6,162,121) teaches a value wheel game method and apparatus.

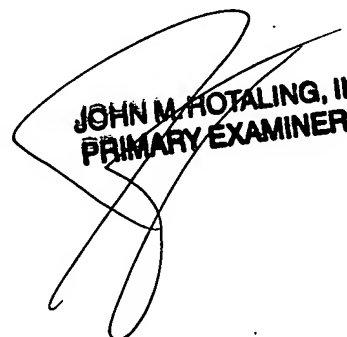
DeMar et al. (6,315,660) teaches gaming machines with board game theme.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN


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